

OCT 05 2006

PTO/SB/31 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional): 99.45 US	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO on the date shown below to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at facsimile transmission number 571-273-8300 October 5, 2006 on _____ Signature <u><i>Maria Anzaldi</i></u> Typed or printed name <u>Maria Anzaldi</u>		In re Application of: <u>Maes et al.</u> Application Number: <u>09/554,984</u> Filed: <u>05/23/2000</u> For: <u>Composition For Improving Skin Lipid Barrier Function</u> Art Unit: <u>1616</u> Examiner: <u>Alton Pryor</u>	
Applicants hereby reinstate the previously initiated appeal before the Board, in response to the August 11, 2006 Office Action, in which the Examiner reopened the prosecution after filing of the September 25, 2005 Appeal Brief by the Applicants.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ _____	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The \$500 fee for filing Notice of Appeal has previously been paid upon filing of the Notice of Appeal on February 25, 2005 and applies to this Notice of Appeal. No additional fee is required.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>05-1320</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		<u><i>[Signature]</i></u> Signature	
<input type="checkbox"/> applicant/inventor.		<u>Yongzhi Yang</u> Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input type="checkbox"/> attorney or agent of record. Registration number _____		<u>631-414-6089</u> Telephone number	
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>56,310</u>		<u>October 5, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>2</u> forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Application Number: <u>09/554,964</u>	Filed: <u>05/23/2000</u>
		For: <u>Composition For Improving Skin Lipid Barrier Function</u>	
		Art Unit: <u>1616</u>	Examiner: <u>Alton Pryor</u>
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